

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04:10-cr-00162-FJG
)	
THEODORE WIGGINS,)	
)	
Defendant.)	

**MOTION FOR ADDITIONAL TIME TO SUBMIT OBJECTIONS TO
PRELIMINARY PSI REPORT**

COMES NOW Defendant, Theodore Wiggins, by and through his undersigned attorney, Michael W. Walker, and respectfully moves this court to grant additional time within which to submit objections to the preliminary presentence investigation report and in support thereof states to the court as follows:

1. Theodore Wiggins was convicted by jury verdict on June 6, 2012 of one count of conspiracy to distribute cocaine and cocaine base in violation of 21 U.S.C. §841(a)(1) and (b)(1)(A) (count 1); and knowingly and intentionally distributing cocaine base in violation of 21 U.S.C. §841(a)(1) and (b)(1)(C) (count 8).

2. On June 6, 2012, by court order, Missy Heilman was assigned to prepare the presentence investigation report.

3. On June 20, 2012 Missy Heilman conducted an interview of Defendant at CCA to aid in the preparation of her report.

4. On August 21, 2012 Missy Heilman mailed a copy of her preliminary PSI report to Defendant and his counsel, with a cover letter.

5. The above reference letter required counsel to submit any objections to the report by September 5, 2012.

6. Because of the complexity of Defendants criminal history and the calculation of his offense level; defendant's counsel needs additional time to adequately prepare comprehensive objections to the preliminary presentence investigation report.

7. Defendant's attorney has contacted US Probation Officer, Malissa M. Heilman, to determine her position with respect to this request for an additional thirty days within which to submit objections and she stated she has no objections.

8. Defendant's attorney has contacted AUSA, Brent Venneman, to determine his position with respect to this request for an additional thirty days within which to submit objections to the preliminary presentence investigation report and he stated he has no objections.

9. Defendant's attorney has discussed this request for additional time with Defendant and he has no objections to this request.

10. This continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth and Sixth Amendments to the United States Constitution.

WHEREFORE, Defendant, Theodore Wiggins, respectfully prays this Court enter

its Order, granting an additional 30 days within which to submit objections to the preliminary presentence investigation report.

Respectfully submitted,

/s/ Michael W. Walker
DUCHARDT & WALKER, LLP
Michael W. Walker 29425
5545 N Oak Trafficway, Suite 8
Kansas City, MO 64118
TEL 816.455.6511
FAX 816.455.6595
mwwalk@sbcglobal.net
ATTORNEY FOR DEFENDANT,
Theodore Wiggins

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served electronically via the CM/ECF filing system, this 30th day of August, 2012, upon the following:

Brent Venneman, Assistant United States Attorney

/s/ Michael W. Walker
Michael W. Walker